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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/579,115

05/11/2006

Tokinobu Mitasaki

5259-000063/US/NP

1335

27572 7590 10/31/2008  
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EXAMINER

ASSAF, FAYEZ G

ART UNIT

PAPER NUMBER

2872

MAIL DATE

DELIVERY MODE

10/31/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/579,115	<b>Applicant(s)</b> MITASAKI ET AL.	
	<b>Examiner</b> Fayez G. Assaf	<b>Art Unit</b> 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 10-18,22-31 and 34-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9,19-21,32,33 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/11/06; 6/15/06; 6/12/06</u> .                               | 6) <input type="checkbox"/> Other: ____.                          |

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election **without traverse** of Group II: Claims 19-21, 26 and 37 wherein claims 1-9, 23 and 33 are linking claims in the reply filed on 7/16/2008 is acknowledged.

It is noted that that claim 26, which belongs to Group I, was included in Group II by a mistake; therefore, the claim has been withdrawn from consideration.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 19-21, 32, 33 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishihara (JP 2003-050534).

Regarding claims 1, 4, 5, 7-9, 20, 32 and 33, Ishihara discloses a laminated holographic medium comprising, one or more first core layers (2b, 2C); one or more diffraction grating layers for recording data provided upon under or in the first

core layers (See Fig. 8), formed by converting a form or a refractive index distribution and from which a reproduction beam goes out; and one or more recording layers (20-20C) provided adjacent to the first core layer or the air, action grating layer for recording data or provided binding a gap layer between the recording layer and the core layer or the diffraction grating layer for recording data and on which information data is recorded in a form of a recording mark transmittance or non-transmittance of light indicating the information data in accordance with a presence of hole or a degree of transmittance of the light (See paragraphs [0054] to [0057]).

Regarding claim 2, Ishihara discloses the diffraction grating layer for recording data being formed in order to indicate the presence and a position of the recording mark by a presence of brightness/darkness and a position of light when the reproduction beam is transmitted through the recording layer (See paragraph [0102]).

Regarding claim 3, Ishihara discloses the diffraction grating layers for recording data comprising a function of a hologram (See paragraph [0135]).

Regarding claim 6, Ishihara discloses a cladding layer provided between the first core layers and the second core layers (3B, 3C or 3D).

Regarding claim 19, Ishihara discloses a beam radiation system that radiates a beam onto the recording layer and draws or projects the information data as a whole (see Fig. 10 to Fig. 12).

It is noted that the method of forming and adhering other layer independently is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishihara.

Ishihara discloses the claimed invention except for a reflection layer provided at an opposite side of the recording layer.

However, such layer is well known in holographic memory systems.

It would have been obvious, at the time the invention was made, to a person having ordinary skill in the art to utilize such reflection layer so as to minimize cross talk between different holograms upon reconstruction of recorded data.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tomaru et al. (US 6,654,532 B1): Fig. 1 and the description thereof.

Ramapujam et al. (US 6,801,348 B2): Fig. 1A and the description thereof.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fayez G. Assaf whose telephone number is (571) 272-2307. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone Allen can be reached on (571) 272-2434. The fax phone number for the

Art Unit: 2872

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fayez G. Assaf/  
Primary Examiner, Art Unit  
2872

October 26, 2008